

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA  
CIVIL NO.: 22-52 (DSD/DLM)

Shawn Pierce and Stephanie  
Pierce,

Plaintiffs,

v.

**ORDER**

American Family Mutual  
Insurance Company, S.I.,

Defendant.

This matter is before the court upon the motion for remand to the appraisal panel for award clarification by defendant American Family Mutual Insurance Company, S.I. Plaintiffs Shawn and Stephanie Pierce oppose the motion.

Through this motion, American Family seeks clarification from the appraisal panel as to: (1) how much of the Replacement Cost Value on Line 1 of the award is for consumable items versus non-consumable items; and (2) how much of the Actual Cash Value on Line 1 of the award is for consumable items versus non-consumable items. According to American Family, this clarification is needed before the court can determine what part of the award should be paid and what part of the award is subject to a post-appraisal coverage dispute. Plaintiffs counter that the appraisal award should be read as stated - without regard to any distinction between consumable and non-consumable items - because it is binding

as to the amount of loss. The court agrees with American Family. The award is ambiguous in its failure to make the material distinction between consumable and non-consumable items. Under these circumstances, and to streamline future proceedings, the court finds it necessary to seek clarification from the appraisal panel.

Accordingly, based on the file, records, and proceedings herein, **IT IS HEREBY ORDERED** that:

1. The motion to remand [ECF No. 86] is granted;
2. The court orders the return of the appraisal award to the appraisal panel for clarification;
3. The appraisal panel shall reconsider the evidence presented by the parties during the personal property appraisal that was held on August 13, 2024; and
4. Based on that evidence, the panel shall clarify the award by answering these questions in writing:
  - a. How much of the Replacement Cost Value on Line 1 of the award is for consumable items, and how much is for non-consumable items?
  - b. How much of the Actual Cash Value on Line 1 of the award is for consumable items, and how much is for non-consumable items?

5. The hearing on this motion and plaintiffs' motion for summary judgment and to amend the complaint is canceled;

6. Plaintiffs' corrected motion for summary judgment and to amend complaint [ECF No. 84] is denied without prejudice; and

7. All other further proceedings in this case are hereby stayed until 30 days after the clarification is provided to the parties, or until further order of the court.

Dated: January 7, 2025

s/David S. Doty

David S. Doty, Judge  
United States District Court